



Eloise A. Gonzales  
2450 W. Glenrosa Ave. #15  
Phoenix, AZ 85015

US Patent & Trademark Office  
Mail Stop Petitions  
P.O. Box 1450  
Attn: Office of Petitions  
Alexandria, VA 22313-1450

Re: Patent No.6077007

This letter is a request for reconsideration of a previous decision to dismiss my petition. I have included a copy of your department's decision. Behind the response is a copy of the postmarked envelope that reveals the date that your office sent it to me. As I have 60 days, per your letter, to respond I am sending this correspondence to you today 3-15-2010. The postmarked date of your correspondence is January 21, 2010. In as much, your office will be in receipt of this request prior to the 60 day deadline of March 21, 2010.

At the bottom of page one you refer to items 1 and 3 as missing. A letter dated June 17, 2009 was sent and received by your office, as per Steven Brantley. I have included a copy of my bank statement and highlighted my monthly expenses. These costs include:

\$200.00 - CREDIT CARDS  
\$730.00 - RENT  
\$200.00 - CAR PAYMENT  
\$230.00 - AUTO INSURANCE  
\$150.00 - UTILITIES  
\$300.00- FOOD  
\$1810 - TTL

In that correspondence I stated that at no time during the year was I in a position to pay the maintenance fees and included a denial from the Arizona unemployment department. I have included an attempt by a Phoenix attorney to secure benefits and the subsequent appeal. He withdrew the appeal and I am indebted to him. This letter is included in today's correspondence.

On page 2 of your correspondence you have a question as to my legal authority to make this request. In as much, I have included documents that reveal authority. IRS form 2553 signed by all three members of my organization. Behind the document are copies of the shares of stock that were signed over to me by my partners.

Conley Rose & Tayon of Houston Texas filed the assignment with your office on June 01, 2001. Backup support for your acceptance include: copy of the original filing, as well, a copy of the divorce decree awarding me sole proprietorship.

In addition, you questioned my name and signatures as belonging to one person. I have included a copy of my social security card with Eloise A. Gonzales on it, my teaching certificate with Eloise A. Porter on it, and original signatures from the corporate notebook that reveals that I am indeed the same person, Eloise Porter. I changed my name to my maiden name. The 1998 document is included for your convenience.

Finally, I am enclosing the petition fee of \$400.00 and am requesting an official letter from your office that reflects the costs incurred and paid.

I can be reached at 480-619-9136.

Eloise A. Gonzales  
Owner  
ELMI Inc.





June 17, 2009

To: USPTO

Fr: Eloise A. Gonzales

Re: Petition to Accept Unavoidably Delayed Payment of Maintenance Fees  
for Patent #6,077,007

This memo is in regards to the conversation I had with an examiner in your office and the information at the USPTO website. When I accessed the website, there was an update to the information that I was given over the phone. Included in the updates on the website was a \$270 fee to petition the office for an unavoidably delayed maintenance fee. The examiner asked me to include a \$1240.00 maintenance fee. I have attached a check in the amount of \$1510.00.

In regards to the Unavoidably Delayed status I was unemployed for 7 months during 2008 and was unable to pay this fee. My unemployment insurance was denied by the state and I have included a statement to verify my status. My attempts to sell the rights to this patent were not successful.

Under no circumstance and at no time during the remaining months of 2008 and 2009 was I able to pay this fee as I remain unemployed today. My monthly bills run \$1600.00 per month and I had no income. The unavoidably delayed payment could not be satisfied until now. I would hope that this petition is accepted under these terms.

ARIZONA DEPARTMENT OF ECONOMIC SECURITY  
Employment Administration  
PO BOX 29225  
PHOENIX AZ 85038-9225

UB-438 (08/07)

FAX: (520)770-3357  
FAX: (602)364-1211

Fax or return the forms to the address or fax number located on the left.

ELOISE A GONZALES  
2450 W GLENROSA AVE UNIT 15  
PHOENIX AZ 85015-4987

Date: 09/30/2008  
Claim NBR: 0009967783



EMPLOYER

BENEFITS CANNOT BE PAID AT THIS TIME BECAUSE OF YOUR AVAILABILITY. ANSWER THE QUESTIONS BELOW IN DETAIL AND RETURN THIS FORM WITHIN 5 WORKING DAYS FROM THE DATE OF THIS NOTICE. FAILURE TO ANSWER EACH QUESTION MAY RESULT IN A DETERMINATION BEING ISSUED WITH THE AVAILABLE INFORMATION. FAILURE TO RETURN THIS FORM WITHIN 5 WORKING DAYS MAY RESULT IN A DELAY OR DENIAL OF BENEFITS.

NAME OF THE SCHOOL/TRAINING THAT YOU ARE ATTENDING?

TOTAL CREDIT HOURS?

WHAT PROGRAM ARE YOU PURSUING?

WHAT DATE DID CLASSES START?

WHAT DATE WILL CLASSES END?

WHAT DAYS OF THE WEEKS ARE YOU ATTENDING SCHOOL?

WHAT HOURS ARE YOU ATTENDING SCHOOL?

HAVE YOU WORKED FULL TIME AND ATTENDED SCHOOL FULL TIME AT THE SAME TIME DURING THE PAST 9 MONTHS? IF YES, PROVIDE DATES.

IF YOU ARE OFFERED FULL TIME WORK THAT IS DURING SCHOOL HOURS, WHAT WOULD YOU DO?


WHAT IS YOUR NORMAL OCCUPATION?

ARE YOU SEEKING FULL TIME OR PART TIME WORK?

WHAT HOURS AND DAYS ARE YOU WILLING TO WORK?

IF ADDITIONAL SPACE IS NEEDED USE THE BOTTOM PORTION OF THIS FORM.

ELOISE A. GONZALES 2450 GLENROSA #15 PHOENIX, AZ 85015		91-2221 1221 756578704	329
DATE <u>6-17-09</u>			
PAY TO THE ORDER OF <u>USPTO</u>		\$ <u>1,510.00</u>	
<u>One thousand five hundred ten &amp; 00/100</u>		DOLLARS	
CHASE			
JPMorgan Chase Bank, N.A. Phoenix, Arizona 85073 www.Chase.com			
MEMO <u>6,077.007</u>		<u>Eloise A. Gonzales</u>	



See reverse side

**ASSIGNMENT OF APPLICATION**

Docket Number (Optional)  
Porter-1

Whereas, I, ELOISE A. PORTER of MISSOURI CITY, hereafter  
referred to as applicant, have invented certain new and useful improvements in \_\_\_\_\_  
**PICK-UP TRUCK BED ORGANIZER AND METHOD**

☐ for which an application for a United States Patent was filed on \_\_\_\_\_  
Application Number \_\_\_\_\_

☒ for which an application for a United States Patent was executed on 7/28/98, and

Whereas, ELMI INC. of DELAWARE herein referred to  
"assignee" whose post office address is 2118 MASTERS LN., MISSOURI CITY, TX 77459 is de-  
sirous of acquiring the entire right, title and interest in the same;

Now, therefore, in consideration of the sum of ONE dollars (\$ 1.00), the receipt whereof is ac-  
knowledgeed, and other good and valuable consideration, I, the applicant, by these presents do sell, assign  
and transfer unto said assignee the full and exclusive right to the said invention in the United States and the  
entire right, title and interest in and to any and all Patents which may be granted therefor in the United States,  
I hereby authorize and request the Commissioner of Patents and Trademarks to issue said United States  
Patent to said assignee, of the entire right, title, and interest in and to the same, for his sole use and behoof;  
and for the use and behoof of his legal representatives, to the full end of the term for which said Patent may  
be granted, as fully and entirely as the same would have been held by me had this assignment and sale not  
been made and assignor agrees to assist by execution of any documents as necessary to transfer all rights.

Executed this 28th day of July, 19 98  
at Alamo Title Sugarland, TX

Eloise A. Porter  
(Signature)

State of Texas SS:  
County of Harris

Before me personally appeared said Eloise A. Porter  
and acknowledged the foregoing instrument to be his free act and deed this 28th  
day of July, 19 98

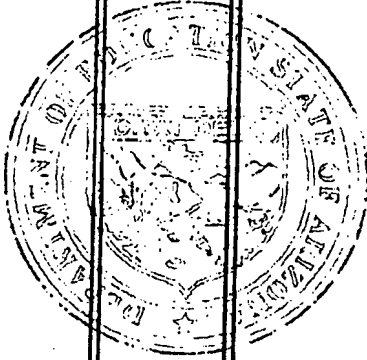
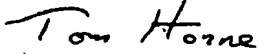
Seal



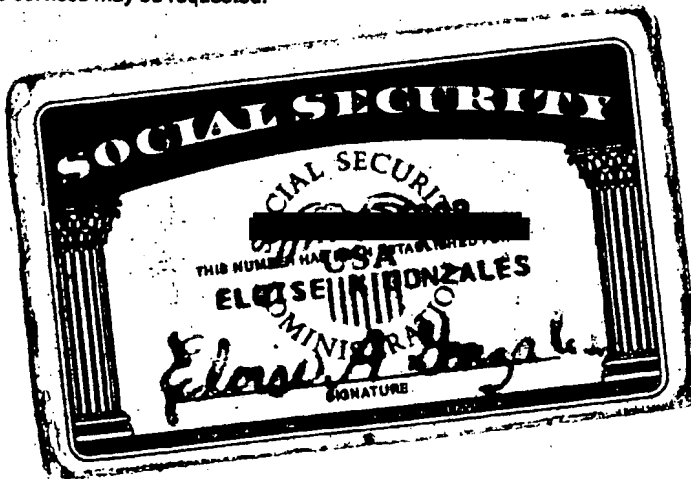
**JOEL H. HUTTO**  
NOTARY PUBLIC  
STATE OF TEXAS

Joel H. Hutto  
(Notary Public)

# Arizona Department of Education CERTIFICATE

Name <b>ELOISE A PORTER</b>			Certificate Number <b>520665209 [Educator ID: 2195861]</b>	
Certificate <b>Standard Elementary Education, K-8</b>	Valid Date <b>07/06/2006</b>	Expiration Date <b>09/12/2012</b>	Approved Areas	Deficiencies
				
ARIZONA DEPARTMENT OF EDUCATION 1535 West Jefferson Street * Phoenix, Arizona 85007			*Endorsement  <div style="text-align: right;">   <b>TOM HORNE</b>                  State Superintendent of Public Instruction             </div>	

Thank you for your support of efforts to provide a quality education for Arizona's students. Although a copy of this certificate can be obtained for a fee, the Certification Unit will be unable to copy or retain documents that were provided to support your request for this certificate. Please maintain copies of all your personal and professional records for future reference or use. Also, please note that State Board of Education certification requirements are subject to change and, therefore, could affect your ability to qualify for renewals, endorsements, conversions, additional certificates, or other services. For this reason, it is essential for you to maintain your qualifications to practice in Arizona, and to be familiar with the rules and requirements that are in effect at the time future services may be requested.



ELOISE A PORTER  
1713 GATES AVE  
KINGMAN AZ 86401

RECORDED 7-26-07  
BY DEER VALLEY UNIFIED  
SCHOOL DISTRICT #97  
RECORDER ldg

Name: Eloise Porter

Address: 2118 Masters Lane  
Missouri City, Texas

Date: 3-01-01

MICHEAL CALLAHAN

Name: Michael Callahan

Address: 3005 W. Dallas  
Broken Arrow, Oklahoma

Date: 02-12-01

GEORGE MAGUIRE

Name: George Maguire

Address: 215 Oakhurst Boulevard  
El Dorado, Arkansas

Date: 12/31/00

ELMI, INC.

Name: Eloise Porter

Title: President

Address: 2118 Masters Lane  
Missouri City, Texas

Date: 3-1-01

ASSIGNMENT

IN CONSIDERATION OF TEN DOLLARS (\$10.00) cash in hand paid to us by ELM I, INC., a corporation organized and existing under the laws of the State of Texas, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, we, Micheal Callahan and George Maguire ("ASSIGNORS"), do hereby ASSIGN, SELL and CONVEY to ELM I, INC. (sometimes hereinafter called "ASSIGNEE"), its successors and assigns, their entire right, title and interest throughout the world in and to:

1. Said invention in Pick-up Truck Bed Organizer and Method and any improvements thereto as of the date of this Agreement;
2. United States of America Patent No. 6,077,007 on said invention, entitled Pick-up Truck Bed Organizer and Method;
3. All applications for patent or like protection on said invention that have now been or may in the future be made by us or our legal representatives, including any continuation, continuation-in-part and any other utility applications that may be based on this invention, whether in the United States of America or any other place anywhere in the world;
4. All patents and like protection that have now been or may in the future be granted on said invention to us or our legal representatives, whether in the United States of America or in any other country or place anywhere in the world;
5. All substitutions for and divisions, continuations, continuations-in-part, renewals, reissues, extensions, and the like of said applications and patents and like grants, including without limitation, those obtained or permissible under past, present and future laws and statutes;
6. All rights of action on account of past, present and future unauthorized use of said invention and for infringement of said



ASSIGNMENT

IN CONSIDERATION OF TEN DOLLARS (\$10.00) cash in hand paid to us by ELMI, INC., a corporation organized and existing under the laws of the State of Texas, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, we, Micheal Callahan and George Maguire ("ASSIGNORS"), do hereby ASSIGN, SELL and CONVEY to ELMI, INC. (sometimes hereinafter called "ASSIGNEE"), its successors and assigns, their entire right, title and interest throughout the world in and to:

1. Said invention in Pick-up Truck Bed Organizer and Method and any improvements thereto as of the date of this Agreement;
2. United States of America Patent No. 6,077,007 on said invention, entitled Pick-up Truck Bed Organizer and Method;
3. All applications for patent or like protection on said invention that have now been or may in the future be made by us or our legal representatives, including any continuation, continuation-in-part and any other utility applications that may be based on this invention, whether in the United States of America or any other place anywhere in the world;
4. All patents and like protection that have now been or may in the future be granted on said invention to us or our legal representatives, whether in the United States of America or in any other country or place anywhere in the world;
5. All substitutions for and divisions, continuations, continuations-in-part, renewals, reissues, extensions, and the like of said applications and patents and like grants, including without limitation, those obtained or permissible under past, present and future laws and statutes;
6. All rights of action on account of past, present and future unauthorized use of said invention and for infringement of said

foreign to the United States; and

8. All international rights of priority associated with said invention, applications, patents and like protection;

and we covenant that we, and our heirs, legal representatives, assigns, administrators, and executors, will, at the expense of ASSIGNEE, its successors and assigns, execute all papers and perform such other acts as may be reasonably necessary to give ASSIGNEE, its successors and assigns, the full benefit of this Assignment.

EXECUTED at the place and on the date indicated below, opposite our signatures.

ASSIGNORS

Date: 02-12-01

Micheal Callahan  
Micheal Callahan

Executed at: Tulsa, Okla.

Date: 02/07/01

George Maguire  
George Maguire

Executed at: El Dorado, Arkansas

THE STATE OF Oklahoma §

COUNTY OF Tulsa §

BEFORE ME, the undersigned authority, on this day personally appeared Micheal Callahan, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

JUNE 01, 2001

PTAS

CONLEY, ROSE & TAYON, P.C.  
DAVID A. ROSE  
P.O. BOX 3267  
HOUSTON, TX 77253-3267



\*101651802A\*

RECEIVED

JUN 07 2001

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 03/12/2001

REEL/FRAME: 011620/0001  
NUMBER OF PAGES: 5

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:  
CALLAHAN, MICHEAL

DOC DATE: 02/12/2001

ASSIGNOR:  
MAGUIRE, GEORGE

DOC DATE: 02/07/2001

ASSIGNEE:  
ELMI, INC.  
2118 MASTER LANE  
A CORPORATION OF DELAWARE  
MISSOURI CITY, TEXAS 77459

SERIAL NUMBER: 09128504  
PATENT NUMBER: 6077007

FILING DATE: 08/03/1998  
ISSUE DATE: 06/20/2000

MARY BENTON, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

FORM PTO-1619A

Expires 06/30/99

OMB 0651-0027

03-29-2001

U.S. Department of Commerce  
Patent and Trademark Office  
**PATENT**

312.01

101651802

IEET

TO: The Commissioner of Patents and Trademarks: Please record the attached original document(s) or copy(ies).

**Submission Type**

- ☒ New
- ☐ Resubmission (Non-Recordation)  
Document ID #
- ☐ Correction of PTO Error  
Reel #                      Frame #
- ☐ Corrective Document  
Reel #                      Frame #

**Conveyance Type**

- ☒ Assignment                      ☐ Security Agreement
- ☐ License                              ☐ Change of Name
- ☐ Merger                              ☐ Other

**U.S. Government**

(For Use ONLY by U.S. Government Agencies)

- ☐ Departmental File              ☐ Secret File

**Conveying Party(ies)**☐ Mark if additional names of conveying parties attached

Name (line 1)      last name, followed by first, then middle

Name (line 2)      Callahan, Micheal

Execution Date  
Month Day Year  
021201**Second Party**

Name (line 1)      Maguire, George

Name (line 2)

Execution Date  
Month Day Year  
020701**Receiving Party**☐ Mark if additional names of receiving parties attached

Name (line 1)      ELMI, Inc.

Name (line 2)

Address (line 1)      2118 Master Lane

Address (line 2)      a Corporation of Delaware

Address (line 3)      Missouri City              Texas              77459  
City                      State/Country              Zip Code

☐ If document to be recorded  
is an assignment and the  
receiving party is not  
domiciled in the United  
States, an appointment  
of a domestic  
representative is attached.  
(Designation must be a  
separate document from  
Assignment)

**Domestic Representative Name and Address**

Enter for the first Receiving Party only.

Name

Address (line 1)

Address (line 2)

Address (line 3)

Address (line 4)

**FOR OFFICE USE ONLY**

Public burden reporting for this collection of information is estimated to average approximately 30 minutes per Cover Sheet to be recorded, including time for reviewing the document and gathering the data needed to complete the Cover Sheet. Send comments regarding this burden estimate to the U.S. Patent and Trademark Office, Chief Information Officer, Washington, D.C. 20231 and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Paperwork Reduction Project (0651-0027), Washington, D.C. 20503. See OMB Information Collection Budget Package 0651-0027, Patent and Trademark Assignment Practice. DO NOT SEND REQUESTS TO RECORD ASSIGNMENT DOCUMENTS TO THIS ADDRESS.

Mail documents to be recorded with required cover sheet(s) information to:  
Commissioner for Patents and Trademarks, Box Assignments, Washington, D.C. 20231

**Correspondence Name and Address**

Area Code and Telephone Number (713) 238-8000

Name DAVID A. ROSE  
Address (line 1) CONLEY, ROSE & TAYON, P. C.  
Address (line 2) P. O. Box 3267  
Address (line 3) Houston, Texas 77253-3267  
Address (line 4)

12

**PAGES** Enter the total number of pages of the attached conveyance document  
Including any attachments # 4

**Application Number(s) or Patent Number(s)**☐ Mark if additional numbers attached

Enter either the Patent Application Number or the Patent Number (DO NOT ENTER BOTH numbers for the same property).

Patent Application Number(s)

6,077,007

Patent Number(s)

If this document is being filed together with a new Patent Application, enter the date the patent application was  
signed by the first named executing inventor. Month Day Year

**Patent Cooperation Treaty (PCT)**

Enter PCT Application number  
only if a U.S. Application Number  
has not been assigned

PCT

PCT

PCT

PCT

PCT

PCT

**Number of Properties**

Enter the total number of properties involved. # 1

**Fee Amount**

Fee Amount for Properties Listed (37 CFR 3.41): \$ 40.00

Method of Payment:

Enclosed ☐Deposit Account ☒

Deposit Account

(Enter for payment by deposit account or if additional fees can be charged to the account.)

Deposit Account Number: # 03-2769

Authorization to charge additional fees: Yes ☒ No ☐**Statement and Signature**

To the best of my knowledge and belief, the foregoing information is true and correct and any  
attached copy is a true copy of the original document. Charges to deposit account are authorized, as  
indicated herein.

David A. Rose

Name of Person Signing

Signature

March 6, 2001

Date

W-9. One hundred percent (100%) of the husband's Altra stock options. Wife may exercise through the husband, as wife's trustee, husband's Altra stock option exercise/purchase rights within the specified time for exercise/purchase if she so elects to do so by either tendering husband the cash necessary or receiving the proceeds from the exercise of the stock options for any such exercise/purchase after husband, prior to the expiration of all option exercise times, has determined with Altra and confirmed in writing (by a company official) for wife the value of said stock options, prior to the expiration of these rights. Husband has the duty to call Altra no later than June 1, 2001 to determine the options value and to notify wife of said value no later than June 3, 2001.

W-10. The 1994 Mercedes-Benz C280 motor vehicle, vehicle identification number \_\_\_\_\_, together with all prepaid insurance, keys, and title documents.

W-11. The sole proprietorship known as ELMI, Inc., including but not limited to all furniture, fixtures, machinery, equipment, inventory, cash, receivables, accounts, goods, and supplies; all personal property used in connection with the operation of the business; and all rights and privileges, past, present, or future, arising out of or in connection with the operation of the business.

W-12. The sole proprietorship known as ELGO, Inc., including but not limited to all furniture, fixtures, machinery, equipment, inventory, cash, receivables, accounts, goods, and supplies; all personal property used in connection with the operation of the business; and all rights and privileges, past, present, or future, arising out of or in connection with the operation of the business.

W-13. The tax year 2000 Internal Revenue Service refund in the approximate amount of \$4,300.00.

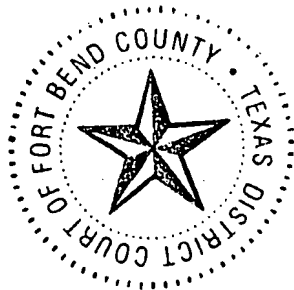
W-14. The golf cart.

#### **11. Orders Regarding the Sale of the Residence**

IT IS FURTHER ORDERED AND DECREED that the property and all improvements located thereon at Lot 18, in Block 42, of Quail Valley Subdivision Glenn Lakes Section, a subdivision in Fort Bend County, Texas according to the Map or Plat thereof recorded in Volume 10, Page 1, of the Plat Records of Fort Bend County, Texas, and more commonly known as 2118 Masters Lane, Missouri City, Texas 77459, shall be sold under the following terms and conditions:

1. The parties have listed the property with a duly licensed real estate broker having sales experience in the area where the property is located, provided further that the real estate broker is an active member in the Multiple Listing Service with the Board of Realtors.

2. The property shall be sold for a price that is mutually agreeable to Petitioner and Respondent. If Petitioner and Respondent are unable to agree on a sales price, on the application of either party, the property shall be sold under terms and conditions determined by a court-appointed receiver.



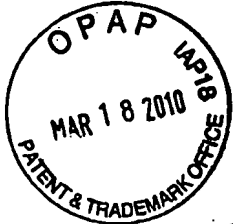


JPMorgan Chase Bank, N.A.  
P O Box 260180  
Baton Rouge, LA 70826-0180



00008540 DRE 601 XA 20008 - YNY 000000000 12 0000

ELOISE GONZALES  
8050 N 19TH AVE # 123  
PHOENIX AZ 85021-5160



Web site:

Chase.com

Service Center:

1-800-835-9935

Hearing Impaired:

1-800-242-7383

Para Espanol:

1-877-312-4273

International Calls:

1-713-262-1679



### Get Referrals, Reap the Rewards!

Know someone that could use a Chase checking account?

Just stop by nearest branch by September 30, 2008, talk to a Chase banker to receive your referrals coupons.  
Then refer up to five new customers for a qualifying Chase checking account and you'll both be rewarded!

The referring customer must have an existing Chase checking or savings account to be eligible.  
Existing Chase checking customers are not eligible to receive the referral customer offer.

### Introducing *Chase Exclusives* SM

## BETTER RATES - MORE REWARDS - BIGGER DISCOUNTS

Learn about Special Benefits for Being a Chase Checking Customer  
Visit [Chase.com/Exclusives](http://Chase.com/Exclusives) or Talk to a Banker Today!

Restrictions and limitations apply

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### CHECKING SUMMARY

Chase Basic Checking

	AMOUNT
Beginning Balance	\$6,424.36
Checks Paid	- 1,139.60
ATM & Debit Card Withdrawals	- 1,991.63
Other Withdrawals, Fees & Charges	- 124.00
Ending Balance	\$3,169.13

Your Chase Basic Checking monthly service fee was waived because you kept a positive minimum balance.





## BALANCING YOUR CHECKBOOK

**Note:** Ensure your checkbook register is up to date with all transactions to date whether they are included on your statement or not.

1. Write in the Ending Balance shown on this statement: **Step 1 Balance:** \$ \_\_\_\_\_

2. List and total all deposits & additions not shown on this statement:

Date	Amount	Date	Amount	Date	Amount
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

**Step 2 Total:** \$ \_\_\_\_\_

3. Add Step 2 Total to Step 1 Balance.

**Step 3 Total:** \$ \_\_\_\_\_

4. List and total all checks, ATM withdrawals, debit card purchases and other withdrawals not shown on this statement.

Check Number or Date	Amount	Check Number or Date	Amount
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

**Step 4 Total:** -\$ \_\_\_\_\_

5. Subtract Step 4 Total from Step 3 Total. This should match your Checkbook Balance: \$ \_\_\_\_\_

**IN CASE OF ERRORS OR QUESTIONS ABOUT YOUR ELECTRONIC FUNDS TRANSFERS:** Call or write us at the phone number or address on the front of this statement (non-personal accounts contact Customer Service) if you think your statement or receipt is incorrect or if you need more information about a transfer listed on the statement or receipt. We must hear from you no later than 60 days after we sent you the FIRST statement on which the problem or error appeared. Be prepared to give us the following information:

- Your name and account number
- The dollar amount of the suspected error
- A description of the error or transfer you are unsure of, why you believe it is an error, or why you need more information.

We will investigate your complaint and will correct any error promptly. If we take more than 10 business days (or 20 business days for new accounts) to do this, we will credit your account for the amount you think is in error so that you will have use of the money during the time it takes us to complete our investigation.

**IN CASE OF ERRORS OR QUESTIONS ABOUT NON-ELECTRONIC TRANSACTIONS:** Contact the bank immediately if your statement is incorrect or if you need more information about any non-electronic transactions (checks or deposits) on this statement. If any such error appears, you must notify the bank in writing no later than 30 days after the statement was made available to you. For more complete details, see the Account Rules and Regulations or other applicable account agreement that governs your account.



JPMorgan Chase Bank, N.A. Member FDIC



CHECK NO.	DESCRIPTION	DATE PAID	AMOUNT
292 ^		06/27	\$200.00
293 ^		07/01	729.30
294 ^		07/03	190.31
295 ^		07/14	19.99
<b>Total Checks Paid</b>			<b>\$1,139.60</b>

[illegible]

## ATM & DEBIT CARD WITHDRAWALS

DATE	DESCRIPTION	AMOUNT
06/18	Card Purchase 06/16 Aunt Chiladas Phoenix AZ Card 7622	\$27.79
06/19	ATM Withdrawal 06/18 8233 N 7th St Phoenix AZ Card 7622	20.00
06/20	Card Purchase 06/18 Sunglass Hut 60006095 Phoenix AZ Card 7622	59.43
06/23	ATM Withdrawal 06/22 1300 W Hwy 89 A Sedona AZ Card 7622	60.00
06/23	Card Purchase With Pin 06/20 Wal-Mart #2113 Christown AZ Card 7622	38.29
06/23	Card Purchase W/Cash 06/20 Safeway Store 1515 Phoenix AZ Card 7622 Purchase \$12.55 Cash Back \$20.00	32.55
06/23	Card Purchase 06/19 Chili's Gri14600001461 Phoenix AZ Card 7622	28.11
06/23	Card Purchase 06/20 Doubletree Paradise V Scottsdale AZ Card 7622	19.00
06/23	Card Purchase With Pin 06/21 Target T0935 Flagstaff Flagstaff AZ Card 7622	17.31
06/23	Card Purchase With Pin 06/20 Walgreen Company 7000 N Phoenix AZ Card 7622	16.25
06/24	Card Purchase 06/21 Cocos Bakery Restauran Flagstaff AZ Card 7622	23.80
06/25	Card Purchase With Pin 06/24 Sou Gamestop #1707 3315 Phoenix AZ Card 7622	32.48
06/25	Card Purchase W/Cash 06/24 Safeway Store 1515 Phoenix AZ Card 7622 Purchase \$12.38 Cash Back \$20.00	32.38
06/26	Card Purchase W/Cash 06/25 Safeway Store 1515 Phoenix AZ Card 7622 Purchase \$17.36 Cash Back \$40.00	57.36
06/26	Card Purchase With Pin 06/25 Chevron/Biltmore Automo Phoenix AZ Card 7622	50.90
06/26	Card Purchase With Pin 06/25 Safeway Store 1515 Phoenix AZ Card 7622	28.94
06/26	Card Purchase 06/24 Boston Market #0272 Phoenix AZ Card 7622	26.27
06/26	Card Purchase With Pin 06/25 Albertsons 1600 Phoenix AZ Card 7622	24.94
06/27	Card Purchase With Pin 06/26 Safeway Store 1515 Phoenix AZ Card 7622	36.63
06/27	Card Purchase With Pin 06/26 Wal-Mart #2113 Christown AZ Card 7622	27.29
06/27	Card Purchase 06/26 Arizona Science Center Phoenix AZ Card 7622	12.00
06/27	Card Purchase 06/26 Mcdonald's F3571 Phoenix AZ Card 7622	10.45
06/30	Non-Chase ATM Withdraw 06/30 2515 East Butler A Flagstaff AZ Card 7622	43.00
06/30	Card Purchase With Pin 06/27 Chevron/Biltmore Automo Phoenix AZ Card 7622	36.32
06/30	Card Purchase With Pin 06/27 Chevron/Bro Retail Grou Anthem AZ Card 7622	7.04
06/30	Card Purchase 06/29 Arizona Snowbowl Flagstaff AZ Card 7622	4.80
07/01	Card Purchase With Pin 06/30 Walgreen Company Nwc of Phoenix AZ Card 7622	31.09
07/02	Card Purchase With Pin 07/01 Safeway Store 1515 Phoenix AZ Card 7622	31.52
07/03	Card Purchase With Pin 07/02 Cns Famous Footwear1306 Phoenix AZ Card 7622	62.25
07/03	Card Purchase With Pin 07/02 Sou Best Buy #250 4322 Phoenix AZ Card 7622	50.87
07/03	Card Purchase With Pin 07/02 Sprouts Farmers Mkt #7 Phoenix AZ Card 7622	20.96

**ATM & DEBIT CARD WITHDRAWALS** (continued)

DATE	DESCRIPTION	AMOUNT
07/03	Card Purchase With Pin 07/02 Wal-Mart #2113 Christown AZ Card 7622	15.63
07/07	Non-Chase ATM Withdraw 07/06 1601 E Morton Phoenix AZ Card 7622	41.50
07/07	ATM Withdrawal 07/06 7000 N 16th St #100 Phoenix AZ Card 7622	40.00
07/07	Card Purchase With Pin 07/05 Chevron/Biltmore Automo Phoenix AZ Card 7622	34.37
07/07	ATM Withdrawal 07/04 8233 N 7th St Phoenix AZ Card 7622	20.00
07/07	Card Purchase With Pin 07/05 Safeway Store 1515 Phoenix AZ Card 7622	13.89
07/07	Card Purchase With Pin 07/05 Society of St. Vin Phoenix AZ Card 7622	9.99
07/08	Card Purchase 07/06 Aunt Chiladas Phoenix AZ Card 7622	19.00
07/08	Card Purchase With Pin 07/07 Walgreen Company 7000 N Phoenix AZ Card 7622	16.25
07/09	Card Purchase 07/08 Psc*Prematic Farmers.Com CA Card 7622	236.91
07/14	Card Purchase W/Cash 07/11 Safeway Store 1515 Phoenix AZ Card 7622 Purchase \$42.80 Cash Back \$20.00	62.80
07/14	ATM Withdrawal 07/14 7801 N 19th Ave Phoenix AZ Card 7622	60.00
07/14	Card Purchase With Pin 07/11 Chevron/Biltmore Automo Phoenix AZ Card 7622	42.98
07/14	Card Purchase With Pin 07/12 Wal-Mart #4232 Phoenix AZ Card 7622	40.07
07/14	Card Purchase With Pin 07/12 Barnesnoble 7030 E. Scottsdale AZ Card 7622	13.59
07/14	Card Purchase With Pin 07/12 Sunflower Farmers Mar Scottsdale AZ Card 7622	10.61
07/15	Card Purchase With Pin 07/14 Walgreen Company Nwc of Phoenix AZ Card 7622	27.35
07/15	Card Purchase 07/14 Pt Hilton Sp Hole Wall Phoenix AZ Card 7622	26.25
07/15	Card Purchase With Pin 07/14 Safeway Store 1515 Phoenix AZ Card 7622	25.79
07/16	Card Purchase 07/15 Avis Rent-A-Car 1 Denver CO Card 7622	162.12
07/16	Card Purchase 07/15 Loaf N Jug #0131 Q81 Casper WY Card 7622	59.54
07/17	Card Purchase W/Cash 07/16 Safeway Store 0557 Ogallala NE Card 7622 Purchase \$11.21 Cash Back \$20.00	31.21
07/17	Card Purchase With Pin 07/16 Safeway Store 0557 Ogallala NE Card 7622	11.76
Total ATM & Debit Card Withdrawals		\$1,991.63

**OTHER WITHDRAWALS, FEES & CHARGES**

DATE	DESCRIPTION	AMOUNT
06/23	Chase Autopay PPD ID: 4760039224	\$40.00
06/27	Cox Comm Phx Bank Draft PPD ID: 1860198371	80.00
06/30	Non-Chase ATM Fee-With	2.00
07/07	Non-Chase ATM Fee-With	2.00
Total Other Withdrawals, Fees & Charges		\$124.00



DAVID F. GOMEZ  
MICHAEL J. PETITTI, JR.

LAW OFFICES  
**GOMEZ & PETITTI**  
A PROFESSIONAL CORPORATION  
2525 EAST CAMELBACK ROAD  
SUITE 860  
PHOENIX, ARIZONA 85016-4279

TELEPHONE (602) 957-8886  
FACSIMILE (602) 956-9884

September 22, 2009

Arizona Department of Economic Security (DES)  
Employment Administration  
P.O. Box 29225  
Phoenix, AZ 85038-9225

**Re: Claimant Eloise A. Gonzales; Claim No. 0009967783**

To Whom It May Concern:

This firm has consulted with Eloise A. Gonzales regarding her employment with Deer Valley Unified School District No. 97 ("the District"), including the above-referenced claim for unemployment benefits. This also responds to DES's requests for additional information. In addition to the discussion below, attached are documents supporting Ms. Gonzales' claim for unemployment benefits. (Exhibits 1-3.)

Ms. Gonzales did not voluntarily quit her employment with the District; rather, she was forced to resign based on an intolerable and hostile work environment that was created by the District's discriminatory, retaliatory and mean-spirited treatment of her. Therefore, she is entitled to receive unemployment benefits.

Ms. Gonzales is a long-time teacher (approximately 21 years) with a Masters Degree in administration and significant experience and competence. Unfortunately, she was employed by the District to teach at a school (Paseo Hills) that lacked any type of meaningful control over the students. Indeed, Ms. Gonzales inherited discipline problems that had gone unaddressed for three (3) years. Moreover, the School's Principal and the District failed to support its teachers and Ms. Gonzales in particular. Indeed, the District and the Principal actually undermined Ms. Gonzales' reasonable attempts to control her classroom. Ms. Gonzales' classroom conduct was geared toward creating a safe environment for the school's children and one that would foster their continuing education. Ms. Gonzales raised good faith concerns with the Principal, including the School's refusal to follow District and State policy relating to faculty and student safety and its failure to provide special education students with the appropriate instruction and support. *See, e.g., A.R.S. § 15-841.* Instead of assisting her, the Principal retaliated against Ms. Gonzales. For example, she disciplined her. She threatened to interfere with her ability to find a job with other school Districts. She made defamatory and malicious statements about Ms. Gonzales to other teachers, administrators and parents. Then, on approximately, January 25, 2008, the District relieved her of her duties as classroom teacher and placed her in a non-teaching position. (Exhibit 1.)

LAW OFFICES  
**GOMEZ & PETITTI**  
A PROFESSIONAL CORPORATION

September 22, 2009

Page 2

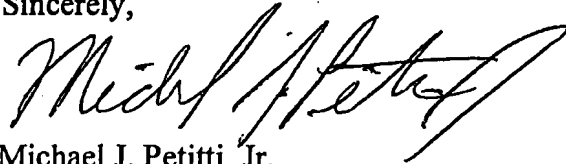
Not unexpectedly, Ms. Gonzales suffered both physically and emotionally, including experiencing severe stress and anxiety. Her professional reputation was also damaged because of the District's false allegations. After trying to remedy this matter with the District's Human Resources Director, she was informed that she could resign to avoid termination and therefore maximize her ability to find a subsequent teaching position. Ms. Gonzales subsequently provided the District with her resignation. (Exhibit 2.) Also enclosed is Ms. Gonzales' handwritten information she previously submitted to DES. (Exhibit 3.)

Pursuant to Arizona statutes and regulations, Ms. Gonzales' resignation was forced and should be considered a discharge for unemployment benefit purposes. *See, e.g., A.R.S. § 23-775; A.A.C. R6-3-50135; R6-3-50138; R6-3-50210; and R6-3-50515.*

Please contact us if you have any questions or would like to discuss this matter further. This also serves as notice that you may contact Ms. Gonzales directly with any questions or if you need additional information.

Your prompt consideration of this matter is greatly appreciated.

Sincerely,



Michael J. Petitti, Jr.

MJP/bjp

cc: Eloise Gonzales

CLIENT  
COPY

**Arizona Department of  
Economic Security**



**Office Of Appeals**

1951 W. Camelback Road, Ste 400, Phoenix, AZ, 85015 (602)347-6344  
toll free 1-877-528-3330 FAX (623)873-5464

**Postponed Hearing Rescheduled**

**INFORMACIÓN IMPORTANTE SOBRE SU AUDIENCIA DEL DEPARTAMENTO DE  
SEGURIDAD ECONOMICA (DES).**

Hicimos un cambio a la audiencia para sus beneficios de seguro de desempleo. El cambio puede ser de una diferente fecha y hora para la audiencia, un juez diferente para la audiencia, u otra manera en que los partidos asistan a la audiencia (por teléfono o en persona). Si usted falta a esta la audiencia, puede perder sus beneficios. Nos puede llamar al (602) 347-6344 y le traduciremos este aviso al español.

<u>APPEAL NUMBER</u>	<u>SSN</u>	<u>APPELLANT</u>	<u>MAILING DATE</u>
U-1123870-001	520-66-5209	Claimant	11/24/2009

ELOISE GONZALES  
c/o Appeal Staff  
LAW OFFICES OF GOMEZ & PETITTI  
P.C.  
C/O MICHAEL PETITI  
2525 EAST CAMELBACK RD SUITE 860  
PHOENIX, AZ 85016

DEER VALLEY SCHOOL DISTRICT # 97  
c/o Appeal Staff  
TALX - UC EXPRESS  
P O BOX 283  
ST. LOUIS, MO 63166-0283

**The date and time of your hearing, which was scheduled on Friday,  
10/30/2009 at 11:00 AM has been changed to:**

**Wednesday, 12/9/2009  
1:30 PM Mountain Standard Time**

***Keep your original Notice of Hearing because it contains important instructions.***

Continue to file claims for unemployment insurance if you remain unemployed during the appeal process. If you win the case you will be paid only for the weeks for which you filed a claim and were otherwise eligible.

For additional information about the appeal process, go to:

<http://www.de.state.az.us/esa/uibenefits/appeals.asp>

Si sigue sin empleo durante el período de apelación, siga reportando semanalmente sus reclamos. Si gana su apelación se le pagará únicamente por las semanas por las cuales usted reportó un reclamo y era elegible.

Para mas información sobre el proceso de apelación, visite a:

<http://www.de.state.az.us/esa/uibenefits/appeals.asp>

Office of Appeals 3-Phoenix  
1951 W. Camelback Road, Ste 400  
Phoenix, AZ 85015

LAW OFFICES OF GOMEZ & PETITTI P.C.  
C/O MICHAEL PETITI  
2525 EAST CAMELBACK RD SUITE 860  
PHOENIX, AZ 85016



LAW OFFICES  
**GOMEZ & PETITTI**  
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2525 EAST CAMELBACK ROAD  
SUITE 860  
PHOENIX, ARIZONA 85016-4279

TELEPHONE (602) 957-8686  
FACSIMILE (602) 956-9854

December 7, 2009

**Via Facsimile and U.S. Mail**  
**(623) 873-5464**

Administrative Law Judge Bridget Humphrey  
Arizona Department of Economic Security (DES)  
Office Appeals  
1951 W. Camelback Road, Suite 400  
Phoenix, Arizona 85015

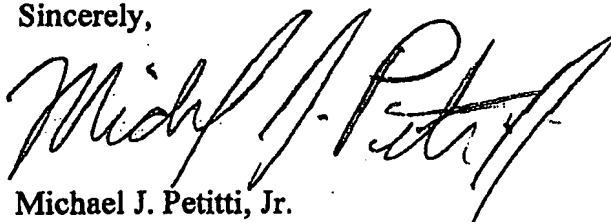
**Re: Claimant Eloise A. Gonzales; Appeal No. U-1123870-001 and U-1123877; Withdrawal of Appeal**

Dear Judge Humphrey:

As you may recall, this firm represents Ms. Eloise Gonzales in the above-referenced matter. This serves as notice that Ms. Gonzales withdraws her appeal.

Please contact me if you have any questions or need additional information.

Sincerely,



Michael J. Petitti, Jr.

MJP/clw

cc: Eloise A. Gonzales



**Election by a Small Business Corporation**  
(Under section 1362 of the Internal Revenue Code)  
► For Paperwork Reduction Act Notice, see page 2 of instructions.  
► See separate instructions.

OMB No. 1545-0146

- Notes:** 1. This election to be an S corporation can be accepted only if all the tests are met under **Who May Elect** on page 1 of the instructions; all signatures in Parts I and III are originals (no photocopies); and the exact name and address of the corporation and other required form information are provided.
2. Do not file Form 1120S, U.S. Income Tax Return for an S Corporation, for any tax year before the year the election takes effect.
3. If the corporation was in existence before the effective date of this election, see **Taxes an S Corporation May Owe** on page 1 of the instructions.

**Election Information**

Please Type or Print	Name of corporation (see instructions) <b>ELMT INCORPORATED</b>	A Employer identification number <b>76 0553742</b>
	Number, street, and room or suite no. (If a P.O. box, see instructions.) <b>2601 CARTWRIGHT ROAD #D232</b>	B Date incorporated <b>11/14/97</b>
	City or town, state, and ZIP code <b>MISSOURI CITY TX 77459</b>	C State of incorporation <b>DELAWARE</b>
D Election is to be effective for tax year beginning (month, day, year) . . . . .		<b>01 / 01 / 97</b>
E Name and title of officer or legal representative who the IRS may call for more information <b>GEORGE W MAGUIRE</b> <b>VICE PRESIDENT</b>		F Telephone number of officer or legal representative <b>(870) 862-1315</b>
G If the corporation changed its name or address after applying for the EIN shown in A above, check this box <input type="checkbox"/>		
H If this election takes effect for the first tax year the corporation exists, enter month, day, and year of the earliest of the following: (1) date the corporation first had shareholders, (2) date the corporation first had assets, or (3) date the corporation began doing business . . . . . <b>11 / 14 / 97</b>		

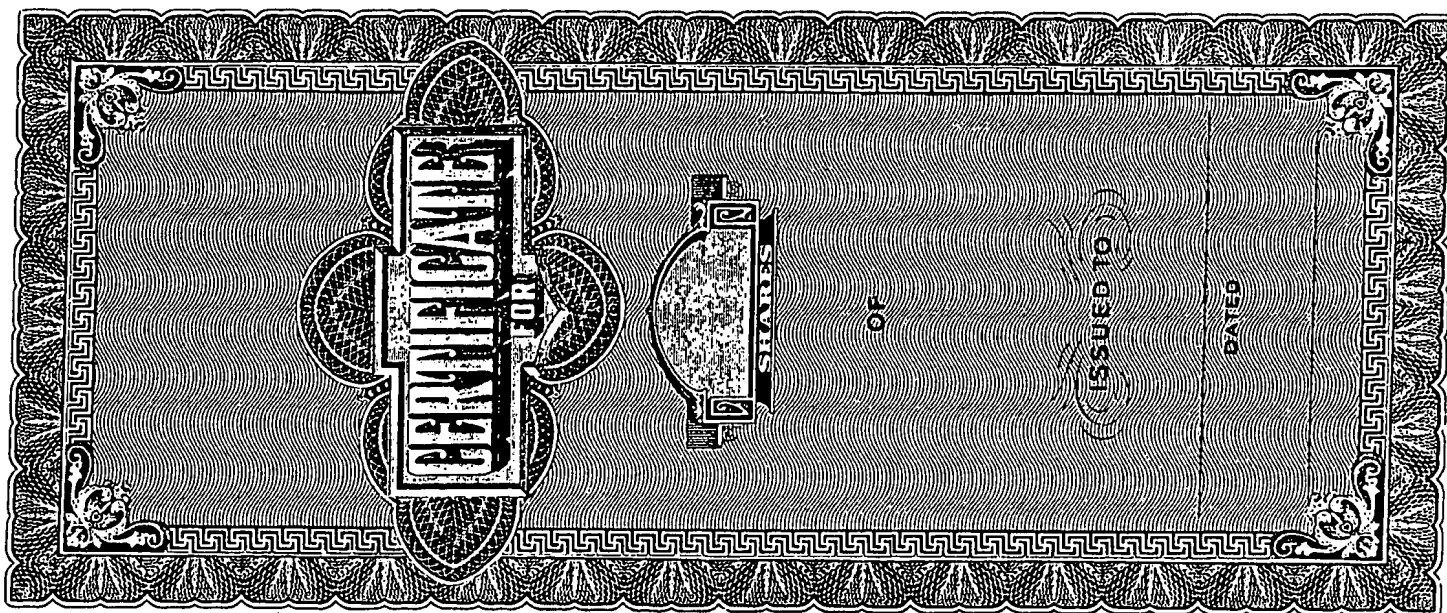
I Selected tax year: Annual return will be filed for tax year ending (month and day) **December 31**

If the tax year ends on any date other than December 31, except for an automatic 52-53-week tax year ending with reference to the month of December, you must complete Part II on the back. If the date you enter is the ending date of an automatic 52-53-week tax year, write "52-53-week year" to the right of the date. See Temporary Regulations section 1.441-2T(e)(3).

J Name and address of each shareholder, shareholder's spouse having a community property interest in the corporation's stock; and each tenant in common, joint tenant, and tenant by the entirety. (A husband and wife (and their estates) are counted as one shareholder in determining the number of shareholders without regard to the manner in which the stock is owned.)	K Shareholders' Consent Statement. Under penalties of perjury, we declare that we consent to the election of the above-named corporation to be an S corporation under section 1362(a) and that we have examined this consent statement, including accompanying schedules and statements, and to the best of our knowledge and belief, it is true, correct, and complete. We understand our consent is binding and may not be withdrawn after the corporation has made a valid election. (Shareholders sign and date below.)		L Stock owned		M Social security number or employer identification number (see instructions)	N Shareholder's tax year ends (month and day)
	Signature	Date	Number of shares	Dates acquired		
ELOISE A. PORTER	<i>Eloise A. Porter</i>	12-31-97	455	11/14/97	520-66-5209	12/31
TERRY D. PORTER	<i>Terry D. Porter</i>	12/31/97			458-04-6342	12/31
2118 MASTERS LANE						
MISSOURI CITY, TX 77459						
MICHAEL F. CALLAHAN	<i>Michael F. Callahan</i>	12-31-97	455	11/14/97	446-48-4180	12/31
CAROLYN J. CALLAHAN	<i>Carolyn J. Callahan</i>	12/31/97			442-54-1745	12/31
3005 DALLAS STREET						
BROKEN ARROW, OK 74012						
GEORGE W. MAGUIRE	<i>George Maguire</i>	12/31/97	90	11/14/97	323-40-4218	12/31
SANDRA K. MAGUIRE	<i>Sandra Maguire</i>	12/31/97			352-42-5296	12/31
215 OAKHURST BLVD						
EL PORADO, AR 71730						

Under penalties of perjury, I declare that I have examined this election, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete.

Signature of officer ► *George Maguire* Title ► *Vice President* Date ► *12/31/97*  
See Parts II and III on back. Cat. No. 18629R Form **2553** (Rev. 9-97)



For Value Received, & hereby sell, assign, and transfer  
unto Eloise Porter

Ninety Shares  
represented by the within Certificate, and do hereby  
irrevocably, constitute, and, appoint

Attorney  
to transfer, the said Shares, on the books of the within named  
Corporation, with full power, of substitution, in the premises:

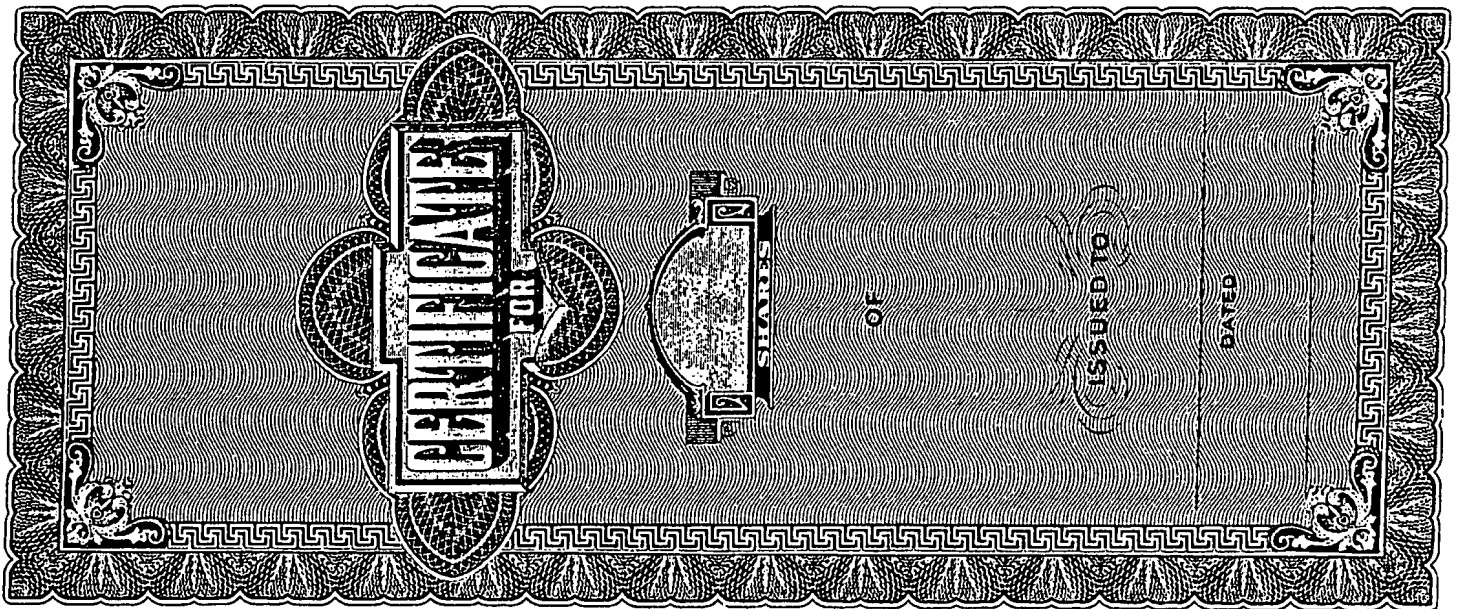
Dated: 12/31/00

In presence of

Eloise Jones

George McGuire

NOTICE. THE SIGNATURE OF THIS ASSIGNMENT  
MUST CORRESPOND WITH THE NAME AS WRITTEN UPON THE  
FACE OF THE CERTIFICATE. IN EVERY PARTICULAR, WITHOUT  
ALTERATION OR ENLARGEMENT OR ANY CHANGE WHATSOEVER.



For Value Received, I hereby sell, assign, and transfer  
unto ELOISE PORTER

455 Shares  
represented by the within Certificate, and do hereby  
irrevocably, constitute, and appoint

Attorney  
to transfer the said Shares, on the books of the within named  
Corporation, with full power of substitution, in the premises.

Dated 12/31/07

In presence of

Michael Carlati

NOTICE: THE SIGNATURE OF THIS ASSIGNMENT  
MUST CORRESPOND WITH THE NAME AS WRITTEN UPON THE  
FACE OF THE CERTIFICATE, IN EVERY PARTICULAR, WITHOUT  
ALTERATION OR ENLARGEMENT OR ANY CHANGE WHATSOEVER.



UNITED STATES PATENT AND TRADEMARK OFFICE



Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

Paper 8

ELOISE A. GONZALES  
2450 W. GLENROSA AVE., # 15  
PHOENIX, AZ 85015

**COPY MAILED**

DEC 23 2009

OFFICE OF PETITIONS

ON PETITION

In re Patent No. 6,077,007  
Issue Date: June 20, 2000  
Application No. 09/128,504  
Filed: August 3, 1998  
Title of Invention: **PICK-UP TRUCK BED  
ORGANIZER AND METHOD**

This is a decision on the petition filed under 37 CFR 1.378(b), August 24, 2008, to accept the delayed payment of the maintenance fee for the above-identified patent.

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration under 37 CFR 1.378(e) must be filed within TWO (2) MONTHS from the mail date of this decision. No extension of this 2-month time limit can be granted under 37 CFR 1.136(a) or (b). Any such petition for reconsideration must be accompanied by the petition fee of \$400.00 as set forth in 37 CFR 1.17(h). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Commissioner.

The patent issued on June 20, 2000. The second maintenance fee due could have been paid during the period from June 20, 2007 to December 20, 2007 or, with a surcharge during the period from December 21, 2007 to June 20, 2008. Accordingly, this patent expired on June 20, 2008 for failure to timely remit the maintenance fee.

A petition to accept the delayed maintenance fee under 35 U.S.C. § 41(c) and 37 CFR 1.378(b) must be accompanied by (1) an adequate, verified showing that the delay was unavoidable, since reasonable care was taken to ensure that the maintenance fee would be paid timely and that the petition was filed promptly after the patentee was notified of, or otherwise became aware of, the expiration of the patent, (2) payment of the appropriate maintenance fee, unless previously submitted, and (3) payment of the surcharge set forth in 37 CFR 1.20(l)(1).

This petition lacks items (1) and (3) above.

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400.00 0P

Any petition under 37 CFR 1.378 must be signed by an attorney or agent registered to practice before the U.S. Patent and Trademark Office, or by the patentee, the assignee, or other party in interest. A person or organization whose only responsibility insofar as the patent is concerned is the payment of a maintenance fee is not a party in interest for the purposes of 37 CFR 1.378. If the petition is signed by a person not registered to practice before the Office, the petition must indicate that the person signing the petition is the patentee, assignee, or other party in interest. An assignee must comply with the requirements of 37 CFR 3.73(b) which is discussed in MPEP § 324 and MPEP § 2590.

The instant petition is filed solely by Eloise A. Gonzales. While a review of the record reveals that Eloise A. Porter is an original inventor, and it is assumed that Eloise A. Gonzales and Eloise A. Porter are the same person, the review of the record also reveals that an assignment of the entire right was signed by Ms. Porter on July 28, 1998 and recorded with the USPTO on August 3, 1998. Thus it does not appear that Ms. Gonzales or Ms. Porter has standing to file the instant petition.

Furthermore, if the petition is filed by the inventors, all inventors must sign the petition not just one of the inventors on behalf of all of the inventors.

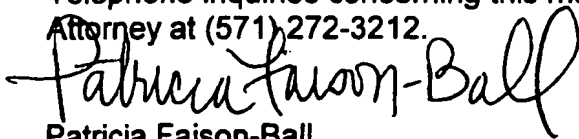
Regarding the fees paid, the finance records show that \$1510 was received on June 19, 2009. At the time the fee was submitted, the maintenance fee for a small entity was set at \$1240. The fee for a petition to accept unavoidably delayed payment of maintenance fee in an expired patent under 37 CFR 1.378(b), is \$700, not \$270. Thus the fees submitted are deficient. Therefore, petitioner has failed to submit the petition fee for the instant petition—the petition fee is jurisdictional—and, thus, the Office cannot consider the substantive aspect of the petition in the absence of the petition fee.

Further correspondence with respect to this matter should be addressed as follows:

By mail:      Mail Stop Petitions  
                 Commissioner for Patents  
                 P.O. Box 1450  
                 Alexandria VA 22313-1450

By FAX:        (571) 273-8300  
                 ATTN: Office of Petitions

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.



Patricia Faison-Ball  
Senior Petitions Attorney  
Office of Petitions

